

**UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF NEW YORK**

FREEDOM MORTGAGE)
CORPORATION,)
)
 Plaintiff)
-against-) Civil Action No. 19-cv-5881
)

PRISCILLA A. HABEEB; BIBI Z.
SANKAR; SLOMINS INC.

) **STIPULATION AND NOTICE OF
APPEARANCE AND WAIVER**
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1. **WHEREAS**, Plaintiff's assignee, U.S. Bank National Association, not in its individual capacity but solely as trustee for RMTP Trust, Series 2021 Cottage-TT-V, is the holder of a Note and Mortgage dated February 6, 2015, which Mortgage was recorded in the Nassau County Clerk's Office on February 23, 2015, in Liber M 40225 on Page 357, as assigned; and

2. **WHEREAS**, on October 17, 2019, the named Plaintiff commenced an action to foreclose its Mortgage under Civil Action No. 19-cv-5881 in the United States District Court for the Eastern District of New York; and

3. **WHEREAS**, the New York State Department of Taxation and Finance holds a possible subordinate lien against the subject mortgaged real property by virtue of a judgment entered in the Nassau County Clerk's Office on September 11, 2019 under Docket Number JTEO35843462W0013, in favor of the New York State Department of Taxation and Finance against Priscilla A. Habeeb, 2007 Cornwall Place, Baldwin New York, 115104725, and Tariq Z. Sankar, 3077 Cornwall Place, Baldwin New York 115104725, in the amount of \$2,049.51; and

4. **WHEREAS**, the New York State Department of Taxation and Finance was not named in the initial Summons and Complaint and Notice of Pendency; and

5. **WHEREAS**, Plaintiff seeks to include the New York State Department of Taxation and Finance as a party defendant in the instant action, *nunc pro tunc*, subject to the Notice of Pendency filed on January 27, 2020; and

6. **IT IS HEREBY STIPULATED AND AGREED**, by the undersigned, that the New York State Department of Taxation and Finance consents to be named as a party defendant in the instant action, *nunc pro tunc*, subject to the Notice of Pendency filed on January 27, 2020; and it is further;

7. **STIPULATED AND AGREED AND ACKNOWLEDGED**, that the undersigned New York State Department of Taxation and Finance having been provided with a copy of the Summons, Complaint, Notice of Pendency and Certificate of Merit Pursuant to 3012-B, hereby waives service of the Summons and Complaint and is permitted leave to make a claim to any Surplus Monies available at a future foreclosure sale; and it is further

8. **STIPULATED AND AGREED**, that the undersigned New York State Department of Taxation and Finance hereby waives service of all prior and future papers and notices of all proceedings herein except notice of application for discontinuance of action, referee's report of sale, and notice of all proceedings to obtain surplus monies; and it is further

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9. **STIPULATED AND AGREED**, for the purposes of the instant Stipulation, electronic or facsimile signatures shall be deemed original signatures.

FRIEDMAN VARTOLO LLP

*Attorneys for Plaintiff's assignee U.S. Bank
National Association, not in its individual capacity
but solely as trustee for RMTP Trust, Series 2021
Cottage-TT-V*

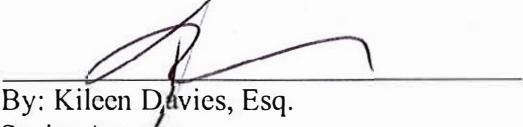
Dated: 9/22/22

Ronald P. Labeck

By: Ronald Labeck, Esq.
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**New York State Department of Taxation and
Finance**

Dated: 9/20/22


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